

Belgrade City Court

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June 21, 2011

To: Law & Justice Interim Committee
The Montana State Legislature

From: Michele L. Snowberger, Belgrade City Court Judge

Re: Written Testimony in support of Restorative Justice Study

I have served as the Belgrade City Court Judge since 2002. I hear misdemeanor and some types of civil cases. I am also an attorney. I was an assistant public defender in Cook County, Illinois. And, in private practice continued to represent defendants in criminal cases and litigated in the areas of personal injury, medical malpractice, civil rights, and domestic relations. In 2004, I became a licensed attorney in Montana.

For many of the individuals in my court, they will only appear on one case. Unfortunately, for some, an individual charge is often only one of a series of offenses. An individual violates the law and is sentenced, only to reoffend. Sometimes, the individual "graduates" from misdemeanors to felonies. Additionally, the victim's and the larger community's role are limited. This perpetual revolving door must be stopped.

In 2003, Teresa Flanagan, the Gallatin County Community Corrections Program Coordinator, invited me to the State sponsored Restorative Justice Conference. The featured speaker was Howard Zehr, Ph.D., the "grandfather" of restorative justice. It was at this conference that my philosophy regarding the courts responsibility to the criminal justice system began to change.

Restorative justice is a different way of looking at crime, the defendant, and the community. Restorative justice works to hold the offender responsible for their actions, to repair the harm, and to restore the broken relationship between offender, victim, and community.

As a judge, I work to structure a sentence to help create an environment where an individual is ready and able to change. Restorative justice is an integral part of a structured sentence.

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We are fortunate in Gallatin County. The County Commissioners created a Court Services Division that houses the community corrections program. There are several components to the community corrections program, including justice council, money management, drunk driving impact panel, and community service. The Community Mediation Center operates a separate restorative justice program for youth.

An offender is sentenced to complete justice council where a group of community volunteers meet with the offender. The justice council works to hold the offender accountable for the crime committed and the harm caused. The victim is invited to be part of the process, through a victim-offender dialogue. The council and offender agree to an individualized reparative agreement. This agreement establishes the parameters to begin to repair the harm and to restore the offender to the community. This process usually takes between 3 and 6 months.


I am committed to the principles of restorative justice and am encouraged that the legislature is studying this important process.

I encourage the Law and Justice Interim Committee to:

- Develop an understanding of restorative justice and the local and state initiatives in Montana;
- Propose legislation to
 - strengthen the ability of a judge to sentence an offender to a restorative justice program;
 - permit both diversionary and non-diversionary restorative justice programs;
 - ensure that the community corrections legislation reflects all courts and local communities;
- Support the Attorney General's Restorative Justice Program to co-ordinate restorative justice activities in the state and to hold restorative justice conferences.

Thank you for your consideration of this written testimony.

Respectfully Submitted,



Michele L. Snowberger
Belgrade City Court Judge